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| 10/517,027 | 07/21/2005 | Goran Sjoborg | ABE-37256 | 2855 |
| 116 7590 08/03/2009 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108 | | | | |
| EXAMINER | | | | |
| GRANT, ALVIN J | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3723 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,027

Applicant(s)

SJOBERG, GORAN

Examiner

ALVIN J. GRANT

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4, 8 and 9** are rejected under 35 U.S.C. 102(b) as being anticipated by Wang 5,933,900.

Wang discloses a surface treating apparatus comprising: a shaft **(114)** with a handle by means of which the apparatus can be guided on the surface to be cleaned and a frame structure **(22)** having several rolls **(80,78,84,76,82)** about which an endless conveyor belt **(28)** for liquid and dirt particles is arranged so that a portion of the belt between the rolls **(82,80)** abuts the surface and is placed such that it is mainly parallel to the surface the apparatus being provided with a scratching means **(78,79)** abutting the conveyor belt **(28)** and removing liquid and dirt particles from the belt; the frame structure comprises a mainly flat wall portion **(at 30)** that the conveyor belt **(28)** abuts and that is mainly parallel to the surface; the frame structure is box shaped and encloses an electric motor with a drive shaft that by means of a gear transmits the driving motion of the drive shaft to at least one of the rolls **(col. 7, lines 24-45)**; the frame structure supports a removable container part **(98)** in which liquid and dirt particles are collected; the frame structure comprises at least two parts **(80,82)** that are turnable with respect to one another and that when the parts are aligned with one another constitute a track for

the conveyor belt (28) and which when the parts are angled with respect to one another admits that the conveyor belt is removed from the track; the conveyor belt comprises a support layer with an outer micro fiber layer (col. 6, lines 4-14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5-6 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Lynn 5,203,047.

Wang is described above. **Referring to claims 5 and 6**, Wang does not specifically disclose a pump. Lynn discloses a cleaning apparatus having a pump so as to pump the cleaning fluid through the supply tube. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Wang's apparatus to have a pump as taught by Lynn so as to pump the cleaning fluid through the supply tube.

Referring to claim 10, Wang does not specially disclose a nozzle. Lynn discloses the use of a nozzle so as to spray the cleaning fluid to the surface to be cleaned. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Wang's apparatus to have a nozzle as taught by Lynn so as to spray the cleaning fluid to the surface to be cleaned.

5. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Lynn and in further view of Chupin et al. 4,918,778.

Wang as modified is described above. The modified Wang does not specifically disclose a filter. Chupin et al. discloses a rotary band cleaning device for cleaning a conveyor belt the device having a filter so as to remove sediments from the cleaning fluid prior to the reuse thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have installed a filter in the modified Wang's apparatus as taught by Chupin et al. so as to remove sediments from the cleaning fluid prior to the reuse thereof.

6. **Claims 11-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Blum et al. 6,735,806.

Wang is described above. Wang does not specifically disclose the scratching instrument having a leg. Blum et al. discloses a floor cleaning apparatus having a leg so as to enhance directing of the scratching element. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Wang's apparatus to have a leg as taught by Blum et al. so as to enhance the directing of the scratching element.

Response to Arguments

7. Applicant's arguments filed 4/22/09 have been fully considered but they are not persuasive.

In response to Applicant's arguments that U.S. Patent No. 5,933,900 (to Wang) does not disclose a scratching means, the cleaning elements of Wang effectively scratches off the dirt.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/
Examiner, Art Unit 3723

